

# EXHIBIT V

**In the Matter Of:**

**UNITED STATES vs STATE OF GEORGIA**

1:16-CV-03088-ELR

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**FABIO VAN DER MERWE**

*January 09, 2023*

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1 Q And so had those discussions included defining  
2 the organization's desired future capability for the Apex  
3 Program?

4 A Sorry, can you repeat that question again?

5 Q Yeah, let me try again. And so my question is  
6 whether the clinical kind of programmatic confrontations  
7 that are occurring at DeKalb Community Service Board have  
8 been defining your desired future capability for the  
9 school-based behavioral health services being provided  
10 through Apex?

11 A Yes. So, you know, the discussions that we  
12 have had, you know, we had a discussion regarding  
13 expansion of the program, see if we can go into more  
14 schools, you know. And that obviously is limited based  
15 on the DeKalb County Board of Health in terms of which  
16 schools they want us to go into, as well as the  
17 appropriate funding for us to expand in schools.

18 During COVID, you know, a big discussion that  
19 we had regarding the Apex Program is, how do we continue  
20 to provide Apex services to our client while they are in  
21 remote learning situations? So I know we -- we had a lot  
22 of conversations from a programmatic level of how to  
23 address that.

24 And then also, you know, discussions in terms  
25 of, you know, one gap is, you know, we are looking at

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1 Apex Program. It's a school-based program, but what  
2 happens during the summer? And so we had a lot of  
3 discussions about, how can we bridge that gap in terms of  
4 making sure that we had -- we had an offering for the  
5 clients that we are seeing to -- to make sure that any  
6 gains that they had during the school year weren't lost  
7 and had some type of program during the summer months.

8 Q Do you discuss with staff at DBHDD strategies  
9 for achieving DeKalb CSB's future -- desired future  
10 capability for Apex?

11 A We'll have -- like the one discussion in terms  
12 of the expansion component is talking to DBHDD regarding  
13 expansion, and -- and they did attend some meetings that  
14 we had with the DeKalb County Board of Education in terms  
15 of discussing potential expansion of the programs. So  
16 those are some of the discussions that we have had with  
17 them when we are looking at expanding.

18 Q Has the DeKalb Community Service Board  
19 identified a specific target as to how many schools it  
20 would like to serve through its Apex program?

21 A I don't think we've defined a particular target  
22 in terms of how many schools we would like to expand to.  
23 That's, I think, generally limited by how much money  
24 that -- that is available to expand from. And then as I  
25 said, the willingness of -- of DeKalb County Board of

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1 A Yes.

2 Q And that's the only school, correct?

3 A Yes. Yes.

4 Q In -- in this version of the MOU?

5 A Yeah, in this version of the MOU.

6 Q Okay. And has there been any effort, you know,  
7 before or since this MOU to add additional schools?

8 A Yes. I mean, we -- the City of Decatur,  
9 we've -- we've at least now, our C&A director, you know,  
10 has met with the City of Decatur to look at what possible  
11 schools we could expand into and which schools. I  
12 believe we had two schools at one point for the City of  
13 Decatur.

14 So there is always discretions about expansion,  
15 and if we see an opportunity, DBHDD lets us know there is  
16 additional funding for expansion, we will let the school  
17 systems know and see if they are interested in expanding  
18 the program.

19 Q Can you describe what the -- the process of  
20 identifying schools to expand into is like. What are the  
21 factors and criteria?

22 A I believe the contract for DBHDD is that  
23 specific metric, school system metrics that the schools  
24 are supposed to utilize in terms of identifying schools.  
25 But I believe it's left up to the school systems based on

1 potentially those metrics of which schools we would go  
2 into.

3 Q So ultimately, DBHDD through its contract sets  
4 criteria for which schools should be selected for  
5 receiving it?

6 A I believe -- I believe they set -- I don't think  
7 it's not so much specific criteria. It's -- it's  
8 different metrics to look at to determine which schools  
9 to go into.

10 Q Understood.

11 DBHDD ultimately makes the decision about  
12 whether to approve expansion into new schools, separate  
13 and apart from whatever agreement there may be between  
14 the CSB and the school?

15 A Yes.

16 Q And, in fact, there had been instances at  
17 DeKalb Community Service Board where your organization  
18 has reached an agreement on a proposal to expand Apex  
19 services into additional schools, but DBHDD has not  
20 approved that funding request, correct?

21 A We've had that circumstance. I think we've  
22 also have had circumstances where the DBHDD wanted to  
23 expand schools and the school system didn't want to  
24 expand.

25 Q Okay. Can you tell me a bit about that latter